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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,394	04/27/2001	Michael Wayne Brown	AUS920010106US1	1339

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EXAMINER
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CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/844,394

Applicant(s)

BROWN ET AL.

Examiner

Truc T Chuong

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive the Amendment, filed 12/30/04.
2. Claims 1-37 are pending in this application. In the Amendment, claims 1, 17, 23, 24, 26, 29, 32, and 35 are independent claims, and claims 1, 9, 11-14, 16, 17, 21-26, 28-30, 32, and 34-37 are amended. This action is made non-final.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 32-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as not being computer readable medium can be statutory if the “medium” is defined in the specification being tangible. The “medium” as defined on page 27 of the specification as including intangible media such as transmission waves. In this case, the applicant has just claimed the signal for the computer readable medium. An appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

Art Unit: 2179

patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-9, 12-13, 15-26, 28-32, and 34-37 are rejected under 35 U.S.C. 102(e) as being anticipated by England (U.S. Patent No. 6,144,991).

As to claim 1, England teaches a method for obtaining assistance in a search for information, on a data processing system, the information concerning a subject area, the method comprising the steps of:

requesting an interactive expertise session, wherein the request for the interactive expertise session is received from a live help selection option located on a browser graphical user interface (the client sends a message to the guide asking for help/information from the guide, e.g., col. 10 lines 35-52, col. 11 line 65-col. 12 line 27, and figs. 6-9);

responsive to the request for the interactive expertise session, receiving an electronic page related to the subject area and a communication interface (e.g., col. 12 lines 28-65, fig. 9); and

presenting interactive expertise related to the subject area (e.g., col. 12 lines 28-65, fig. 9), wherein a first portion of the interactive expertise is presented upon the communication interface and a second portion of the interactive expertise is presented upon the electronic page display (e.g., col. 13 lines 1-43, and figs. 9-11), wherein the first portion of the interactive expertise presented upon the communication interface comprises a communication between a requestor of the interactive expertise and a supplier of the interactive expertise (a chat communication between the client and guide, e.g., col. 12 lines 28-65, and figs. 9-11) and the second portion of the interactive expertise presented upon the electronic page display comprises

Art Unit: 2179

at least on information page related to the subject area as determined by the supplier (the guide will provides the related web page, which is related to the asking help topic from the client, back to the client's GUI, e.g., col. 12 line 28-col. 13 line 31, and England also teaches that the invention can be used in different fields such as: Sales and Marketing, Education, Broadcast, Guide Tour, etc., col. 14 lines 1-50).

As to claim 2, England teaches the method as recited in claim 1, wherein the at least one information page is also presented to the supplier of the interactive expertise (e.g., both the client and guide can view the same section/webpage on their GUIs simultaneously, col. 13 lines 14-22, and figs. 9-11).

As to claim 3, England teaches the method as recited in claim 2, wherein the communication between the requestor of the interactive expertise and the supplier of the interactive expertise is at least one of an electronic mail message and an instant messenger message service (a chat communication between the client and guide, e.g., col. 12 lines 28-65, and figs. 9-11).

As to claim 4, England teaches the method as recited in claim 2, wherein the communication between the requestor of the expertise and a supplier of the expertise is at least one of textual communication and audible communication (e.g., the interactive section is able to use text, video, audio, etc., col. 12 lines 53-65, and col. 13 lines 50-67).

As to claim 5, England teaches the method as recited in claim 1, wherein the request for the interactive expertise is from a client machine (the client sends a message to the guide asking for help/information from the guide, e.g., col. 10 lines 35-52, col. 11 line 65-col. 12 line 27, and figs. 6-9).

Art Unit: 2179

As to claim 6, England teaches the method as recited in claim 1, wherein generation of the interactive expertise is from a server (the interactive section can be viewed on both the client and guide in a synchronized manner, e.g., col. 12 lines 53-65, and figs. 9-11).

As to claim 7, England teaches the method as recited in claim 6, wherein the server is an expert web server (the server of England can be a expert web server because the guide can help the client to debug the software/code, e.g., col. 16 lines 44-65, and HTTP server, col. 17 line 43-col. 18 line14).

As to claim 8, England teaches the method as recited in claim 1, wherein the communication interface and the electronic page display are provided on a graphical user interface of the requester and a graphical user interface of the supplier (e.g., both the client and guide can view the same section/webpage on their GUIs simultaneously, col. 13 lines 14-22, and figs. 9-11).

As to claim 9, England teaches the method as recited in claim 1, wherein the second portion of the interactive expertise displayed upon the electronic page display is transmitted from a generator of the interactive expertise (the guide will send to the client the appropriate web page/information, e.g., col. 12 lines 57-65).

As to claim 12, England teaches the method as recited in claim 1, further comprising:  
matching a requested area of expertise within an area of a supplier of the expertise; and  
generating the interactive expertise based on results of the matching (e.g., fig. 10 shows a list of topics, and the appropriate requested topic will be displayed to the client on the electronic page).

As to claim 13, England teaches the method as recited in claim 12, wherein matching a requested area of expertise within an area of the supplier of the expertise is matched to a plurality

Art Unit: 2179

of suppliers of the interactive expertise (e.g., fig. 10 also shows that different (related/no-related) topics can be searched by the guide using windows 1004, 1006, or 1088).

As to claim 15, England teaches the method as recited in claim 2, wherein the at least one information page is manipulatable by both the requestor and the supplier (e.g., both the client and guide can view/interact the same section/webpage on their GUIs simultaneously, col. 13 lines 14-22, and figs. 9-11).

As to claim 16, England teaches the method as recited in claim 1, wherein the second portion of the interactive expertise is generated using an Internet search engine (to access a search engine and issue queries; to be used to preview and insure the appropriate Web page or Internet Resource is going to be shown to the client, e.g., col. 13 lines 23-34).

As to claim 17, it is individually similar in scope to claim 1 above; therefore, rejected under similar rationale.

As to claim 18-20, they are similar in scope to claims 5-7 above; therefore, rejected under similar rationale.

As to claim 21, England teaches the method as recited in claim 17, further comprising:  
selecting a second electronic page having a content from the plurality of electronic pages  
(the guide can select a different web page and send it to the client, e.g., figs. 9-11);

replacing the first electronic page with the second electronic page (the client receives many Web pages from the guide, e.g., col. 10 lines 35-65);

simultaneously displaying the second electronic page and the communication interface on both a client machine and an expert machine (e.g., both the client and guide can view/interact the same section/webpage on their GUIs simultaneously, col. 13 lines 14-22, and figs. 9-11); and

transmitting interactive the expertise based on the subject area, wherein the interactive expertise utilizes both the second electronic page and the communication interface (e.g., col. 13 lines 14-22, and figs. 9-11).

As to claim 22, England teaches a method of claim 18, wherein the interactive expertise is transmitted to the client machine and is displayed on both the client machine and an expert machine (e.g., both the client and guide can view/interact the same section/webpage on their GUIs simultaneously, col. 13 lines 14-22, and figs. 9-11).

As to claim 23, this is a system claim of method claim 1. Note the rejection of claim 1 above.

As to claim 24, this is a system claim of method claim 17. Note the rejection of claim 17 above.

As to claim 25, this is a system claim of method claim 22. Note the rejection of claim 22 above.

As to claim 26, this is a system claim of method claim 1. Note the rejection of claim 1 above.

As to claim 28, this is a system claim of method claim 12. Note the rejection of claim 12 above.

As to claim 29, this is a system claim of method claim 17. Note the rejection of claim 17 above.

As to claim 30, this is a system claim of method claim 21. Note the rejection of claim 21 above.



Art Unit: 2179

As to claim 31, this is a system claim of method claim 22. Note the rejection of claim 22 above.

As to claims 32, 34-37, they are computer program product claims of method claims 1, 12, 17, 21, and 22. Note the rejections of claims 1, 12, 17, 21, and 22 above respectively.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10-11, 14, 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over England (U.S. Patent No. 6,144,991) in view of Crosskey et al. (U.S. Patent No. 6,035,281).

As to claim 10, although, England teaches the method as recited in claim 1, wherein the system can be used in Selling and Marketing (col. 14 lines 1-14); however, England does not teach using the information to charge the users for the interactive expertise section. Crosskey clearly shows Web pages can be used to display billing responsibility of the users for accessing the Web (e.g., col. 2 lines 61-62) and computing the billing amount of each data transfer associated with the Web pages (e.g., col. 3 lines 42-45). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have the billing feature of Crosskey in the Live Help Section of England to make profits from helping the users, and the profits can be used in improving the current system or hire more experts to be able to serve the users better.

Art Unit: 2179

As to claim 11, England in view of Crosskey teaches the method as recited in claim 10, wherein the requestor of the interact expertise session is charged for the expertise on a predetermined basis which includes at least one of a flat fee basis, a time basis and a commission basis (Crosskey, flat fee, col. 3 lines 5-7).

As to claim 14, England in view of Crosskey teaches the method as recited in claim 13, further comprising:

determining which of the plurality of suppliers of the interactive expertise is available; and connecting an available supplier of the interactive expertise to the requestor of the interactive expertise (England teaches that the guide can handle one or more sections, e.g., col. 11 lines 20-60; and Crosskey, if the request information is not available, the system will forward it a different destination, col. 5 lines 21-25).

As to claim 27, this is a system claim of method claim 10. Note the rejection of claim 10 above.

As to claim 33, it is a computer program product claim of method claim 10. Note the rejection of claim 10 above.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments on Crosskey have been fully considered but they are not persuasive.

Applicants argued Examiner disagrees for the following reason:

Crosskey does not teach or suggest that upon termination of the interactive expertise section, calculate a charge for the interactive expertise section.

Cosskey shows the Internet Billing System using timestamp indicate the time that the Web server processes the request, the billing formula can be a function of the connection time, peak time, off-time, etc. (e.g., col. 7 lines 5-17).

### *Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

Art Unit: 2179

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

04/16/05

  
BA HUYNH  
PRIMARY EXAMINER